

# Town Board Minutes

**May 3, 2004**

**Meeting No. 16**

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 3<sup>rd</sup> day of May 2004, at 6:30 PM and there were

**PRESENT:** RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
JOHN GOBER, PLANNING BOARD MEMBER  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
MICHAEL MYSZKA, PLANNING BOARD MEMBER  
STEVEN SOCHA, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER  
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

**ABSENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT, BUILDING INSPECTOR  
ROBERT LABENSKI, TOWN ENGINEER

**PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

**IN THE MATTER OF THE SEQR REVIEW OF  
PARKHAVEN PATIO HOMES**

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 12± acres.

The location of the premises being reviewed is on the west side of Bowen Road, County of Erie,  
Town of Lancaster, New York.

THE FOLLOWING MOTION WAS OFFERED BY  
COUNCIL MEMBER STEMPNIAK, WHO MOVED  
ITS ADOPTION, SECONDED BY PLANNING  
BOARD CHAIRMAN KEYSA, TO WIT:

To reopen the Municipal Review Committee’s original determination in order  
to analyze in greater detail the project sponsor’s responses to the potentially large impact  
identified on April 5, 2004.

The question of the adoption of the forgoing motion was duly put to a vote  
which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The motion to reopen the Environmental Assessment was thereupon adopted.

During the first environmental review of this project, on April 5, 2004, the Municipal Review Committee identified one (1) potentially large impact. The Municipal Review Committee specifically noted that because the project may occur in or near a flood plain there is the potential for a large environmental impact. (See page #237 of the minutes from the year 2004.)

The Municipal Review Committee requested a copy of the project sponsor’s FEMA Flood Plain Study be provided to the Town Engineer for his review and analysis related to this project.

The Town Engineer reported that he is satisfied that the current FEMA Flood Plain Study provided by the project sponsor more accurately depicts the flood plain as it currently exists than that depicted on an older map. He is also satisfied that the study and new map follows the procedures of FEMA guidelines. The current study shows that the project is not in the Flood Plain.

THE FOLLOWING MOTION WAS OFFERED BY  
COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
PLANNING BOARD MEMBER SOCHA, TO WIT:

To rescind the previously adopted Positive Declaration of April 5, 2004.

The question of the foregoing motion was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The motion was thereupon adopted.

THE FOLLOWING MOTION WAS OFFERED  
BY PLANNING BOARD CHAIRMAN KEYSA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
PLANNING BOARD MEMBER GOBER, TO WIT:

**WHEREAS**, the Town Engineer has received and reported to the  
Municipal Review Committee that in his judgement the project site will not be in the Flood  
Plain and that the Federal Emergency Management Agency (FEMA) will approve the report  
and map as prepared by the project sponsor’s engineers, and

**WHEREAS**, the concern regarding the depth to the water table will be  
mitigated by the Town of Lancaster’s requirement that individual soil borings be completed for  
each building lot prior to the issuance of a building permit, and

**WHEREAS**, the builder will be prohibited from constructing a house with  
a basement in the flood plain.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the previously adopted large impact has been found to  
have sufficient mitigation as outlined above and is deemed by the Municipal Review  
Committee to now be considered a small to moderate impact.

The question of the foregoing resolution was duly put to a vote which  
resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The resolution was thereupon adopted.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER SZYMANSKI,  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Municipal Review Committee has heretofore resolved that  
the previously adopted large impact has been found to have sufficient mitigation and is deemed  
by the Municipal Review Committee to now be considered a small to moderate impact.

s/s \_\_\_\_\_  
Robert H. Giza, Supervisor  
Town of Lancaster

**SEAL**  
May 3, 2004

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to  
execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter,  
and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative  
Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and  
with all required New York State and Erie County agencies, filing a copy of the letter of  
transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was  
duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.  
May 3, 2004

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED  
BY PLANNING BOARD MEMBER GOBER FOR ADJOURNMENT OF THE MEETING,  
on roll, which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:05 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk

